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STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: December 15, 2016
SUBJECT: Administrative Rule Promulgation

The State Board of Education will be taking action at the December meeting on the following administrative rule amendments, pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 250 *et seq.*:

- (1) Title 210. State Department of Education
Chapter 20. Staff
Subchapter 23. School Board Members
210:20-23-3. Requirements for new and incumbent school board member training [AMENDED]

The rule addressing instructional requirements for local school board members is being amended to clarify that board members who are appointed to fill a seat for fifteen (15) months or less may carry forward credit for training completed during the short-term appointment. The current rule language does not allow for this carryover, and the rule is being adapted to better reflect the school board member training statute at 70 O.S. § 5-110, which allows for instruction completed "within fifteen (15) months preceding election."

- (2) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
210:35-3-47. School reports and records [AMENDED]

The rule regarding student records is updated to reflect House Bill 2784's amendments to the statutory record storage requirements. Changes include an authorization for school districts to store records electronically, and a requirement to maintain student transcripts for 80 years. The amendments to 70 O.S. § 24-114 require districts to develop policies for the destruction of non-transcript student records 5-7 years after a student graduates or withdraws from the district, and the rule update also addresses the requirement for districts to notify former students (or the parents/guardians of minors) when non-transcript records are scheduled for destruction.

- (3) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 9. Additional Standards for Secondary Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment, and Climate
210:35-9-31. Program of studies and graduation requirements [AMENDED]

The rule that outlines the graduation requirements for Oklahoma high school students must be updated to remove requirements related to End-of-Instruction (EOI) exams and the Achieving Classroom Excellence (ACE) Act, which were repealed by House Bill 3218.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF
SUBCHAPTER 23. SCHOOL BOARD MEMBERS**

Changes to proposed language following public comment appear in red.

210:20-23-3. Requirements for new and incumbent school board member training

(a) **Definitions.** The following words and terms, when used in this subchapter, shall have the following meaning:

(1) **"Approved instruction"** means instruction provided through workshops for the purpose of meeting the school board member instruction and continuing education requirements set forth in 70 O.S. §§5-110 and 5-110.1. Workshops providing instruction to qualify for credit pursuant to this Section and 210:20-23-4 shall include all in-state workshops, seminars, conferences, and/or conventions that are conducted by the State Department of Education, the Oklahoma Department of Career and Technology Education, the Oklahoma State School Boards Association, and all approved local professional development programs of the board member's district. Other programs must have ~~joint~~ prior approval in writing by the State Department of Education ~~and the Oklahoma Department of Career and Technology Education~~. Requests for such approval must be in writing.

(2) **"Incumbent school board member"** means an individual who currently serves as a member of a district school board by either election or appointment and who also served as a school board member through either election or appointment to the term immediately prior to the current term of office, but does not include individuals who served a short-term appointment of fifteen (15) months or less during the previous term.

(3) **"New school board member"** means an individual who has been elected or appointed to serve as a member of a district school board and who has not been previously appointed or elected to serve as a school board member to the term immediately prior to the current term for which the member has been elected or appointed. For purposes of training requirements, an individual who has served a short-term appointment of fifteen (15) months or less during the previous term is considered a new school board member.

(b) **Training for new school board members.** Within fifteen (15) months ~~after~~of the date of election or appointment, each new school board member shall complete at least twelve (12) hours of approved instruction on education issues that meet all of the following requirements:

(1) At least one (1) hour on public school finance and/or, if appropriate, Career Technology finance;

(2) At least one (1) hour on the Oklahoma Open Records Act and Oklahoma Open Meeting Act;

(3) At least one (1) hour on ethics; and

(4) At least nine (9) hours of approved instruction in any other educational issues ~~is authorized by 70 O.S. § 5-110, including~~ the following areas:

(A) Legal issues impacting local school districts;

- (B) School employment and due process law;
- (C) New laws;
- (D) Special education law; or
- (E) Additional hours of instruction in legal issues related to topics set forth in (1) through (3) of this subsection, provided that no hour of instruction shall be counted more than once to meet the required twelve (12) hours of new board member instruction.

(c) **Training for incumbent school board members.** Within fifteen (15) months after the date of election or appointment, each incumbent school board member shall complete at least six (6) hours of approved instruction that meets all of the following requirements:

- (1) At least one (1) hour of instruction in public school finance and/or, if appropriate, Career Technology finance;
- (2) At least one (1) hour of instruction on the Oklahoma Open Records Act and the Oklahoma Open Meeting Act;
- (3) At least one (1) hour of instruction on ethics; and
- (4) At least three (3) hours of approved instruction in other educational issues in the topics referenced in this subsection and/or in (b)(1) through (b)(4) of this Section, provided that no hour of instruction shall be counted more than once to meet the required six (6) hours of training required by this subsection.

(d) **Short-term appointments.** School board members who hold their seats by appointment for less than fifteen (15) months prior to the date of the next election shall be excused from the training requirements in (b) and (c) of this Section. While training is not required for short-term appointees, in the event a short-term appointee is elected to serve on the board for the subsequent term, any hours of approved instruction earned during the short-term appointment may carry forward to apply toward the training requirements of 70 O.S. § 5-110 or 70 O.S. § 5-110.1. However, the provisions of this subsection do not excuse an appointed board member from any training requirements of 70 O.S. § 5-110 incurred during the incumbent's previous term or any future training requirements incurred upon future election or appointment.

(e) ~~Carry-over of excess~~ **Excess approved instruction credits.** Any hours of approved instruction in excess of the requirements of this Section that have been earned during a school board member's current term of office may be applied toward the continuing education requirements of 70 O.S. § 5-110.1, provided that:

- (1) With the exception of approved training hours earned during short-term appointments, No excess hours of approved instruction shall be permitted to carry over into a subsequent term of office; and
- (2) No hour of instruction shall be counted more than once to meet any of the training requirements set forth in this Section or in 210:20-23-4.

PUBLIC COMMENT SUMMARY

State Department of Education Proposed Permanent Rule Changes

Chapter 20. Staff

Subchapter 23. School Board Members

210:20-23-3. Requirements for new and incumbent school board member training [AMENDED]

Summary of Public Comment	Agency Response
<p>Commenter (Oklahoma State School Boards Association) requests a change to the language in subsection (b)(4), so that the additional nine (9) hours of instruction required for school board members is not limited to the subjects listed in the rule.</p> <p>Requested language:</p> <p>"(4) At least nine (9) hours of approved instruction in other educational issues, <u>including but not limited to</u> in the following areas..."</p>	<ul style="list-style-type: none">• The governing statute, 70 O.S. § 5-110, lists several topics of instruction that may be used to fulfill board member training requirements.• OSDE has incorporated the commenter's request with slightly different language: <p>"(4) At least nine (9) hours of approved instruction in <u>any</u> other educational issues <u>in</u> authorized by 70 O.S. § 5-110, including the following areas..."</p>

RULE IMPACT STATEMENT

210:20-23-3. Requirements for new and incumbent school board member training [AMENDED]

- a. **What is the purpose of the proposed rule change?**
The rule addressing instructional requirements for local school board members is amended to clarify that board members who are appointed to fill a seat for fifteen (15) months or less may carry forward credit for training completed during the short-term appointment. The current rule language does not allow for this carryover, and the rule is being adapted to better reflect the school board member training statute at 70 O.S. § 5-110, which allows for training completed "within fifteen (15) months preceding election."
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect members of school boards who serve short-term appointments and are then elected to the following term.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school board members who serve short-term appointments and are elected to the following term, as well as the school districts they serve.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety,**

and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.

The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** October 30, 2016

STATUTORY AUTHORITY FOR 210:15-11-2

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article V - School Districts and Boards of Education

Section 5-110 - Instruction for New and Incumbent Board Members - Expenses

A. A school district elector who is elected or appointed to be a member of a school district board of education prior to January 1, 2014, shall obtain instruction on education issues in accordance with rules promulgated by the State Board of Education. Except as provided in subsection B of this section, at the time a school district elector files a notification and declaration of candidacy for the office of school district board of education membership or is appointed to be a member of a school district board of education on or after January 1, 2014, the elector shall agree and pledge in writing that, within fifteen (15) months of election or appointment as a member of the district board of education, the member will complete at least twelve (12) hours of instruction on education issues in the following areas: school finance; legal issues, which include but are not limited to employment, due process, new laws, the Oklahoma Open Records Act and the Oklahoma Open Meeting Act; and duties and responsibilities, which include but are not limited to special education and ethics, of district board of education members. Each elector shall agree and pledge in writing to complete at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a two-day workshop to be held within the state by the State Department of Education, by the Oklahoma Department of Career and Technology Education, or by attending workshops, seminars or classes which address the above-mentioned subject matter, and which are sponsored by any organization approved by the State Board of Education, including but not limited to institutions of higher education. The State Board of Education shall promulgate rules by which an organization or particular courses offered by an organization may be approved for purposes of fulfilling the instructional requirements set out in this section.

B. When an incumbent of a district board of education files a notification and declaration of candidacy for reelection to the district board of education, the member shall be required to agree and pledge in writing that upon reelection the member will complete six (6) hours of instruction, within fifteen (15) months of election, including one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics. The remaining hours may be satisfied by attending a workshop, class or seminar addressing the education issues set forth in subsection A of this section.

C. The State Department of Education shall, immediately after the annual elections of various district board of education members, determine the members of the district boards of education pledged to complete the instructional requirements established in subsections A and B of this section, and shall notify the members of the time and place where workshops, classes and seminars are to be conducted. Upon completion of the instructional requirements, the certificate of completion shall be included in the public records of the school board's minutes. Each school board member, except for an incumbent member, shall be required within fifteen (15) months following or preceding election to complete the workshop established by subsection A of this section or to attend twelve (12) hours of other state workshops, classes or seminars conducted as instruction on the subjects of school finance, legal issues, and the ethics, duties and responsibilities of district board of education members, including at least one (1) hour of instruction in school finance, one (1) hour of instruction in the Oklahoma Open Records Act and the Oklahoma Open Meeting Act and one (1) hour of instruction in ethics.

D. If a school board member, including an incumbent member, has not satisfied the instructional requirements as set forth in this section within fifteen (15) months of election, reelection or appointment, the district board of education shall declare the seat of the member vacant within thirty (30) days of the date of receipt of notice that the member has not completed the requirements as provided for pursuant to Section 5-110.2 of this title and shall fill the vacancy according to law. A school board member who is required to vacate a school board seat pursuant to this subsection shall be ineligible to be reappointed to, to run for reelection to or to hold that respective board seat on the school district board of education or to run for election to or to hold any other board seat on the board of education for a three-year period for three-member boards, for a four-year period for seven-member boards or for a five-year period for five-member boards.

E. All government departments, agencies and institutions of this state are directed to lend assistance as may be required by the State Department of Education for the proper conduct and administration of the workshops as authorized in subsection A of this section. The State Department of Education shall maintain a permanent record of the instructional hours and continuing education hours earned for each district board of education member.

F. The State Department of Education, the Oklahoma Department of Career and Technology Education, and, upon approval of the State Board of Education, any organization or association representing district boards of education in this state are authorized to charge persons pledged to attend a workshop, class or seminar for purposes of meeting the instructional requirements of this section, a registration fee sufficient to defray the estimated costs of presenting the workshop, class or seminar and to collect the fees at the time of registration.

G. Any member of a district board of education or any individual elected, certified as the elected member by the county election board, but not sworn in and seated as a member of a district board of education at the time of a workshop, class or seminar presented by the State Board of Education, the Oklahoma Department of Career and Technology Education, or an organization or association representing district boards of education within the state who attends and successfully completes a workshop, class or seminar as required by subsection A or B of this section shall be reimbursed by the school district in accordance with the travel reimbursement policy of the district.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND CAREER AND
TECHNOLOGY SCHOOLS
SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL,
SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
PART 5. STANDARD III: ADMINISTRATION AND ORGANIZATION**

210:35-3-47. School reports and records

Well-delineated policies and procedures for records and reports shall be developed and kept current. School districts may store all documents and information in student records either electronically or in paper format.

(1) Records and reports needed for effective planning, operation, evaluation, and reporting shall be kept relative to the following components of the educational program:

- (A) Administrative operations
- (B) Curriculum
- (C) Guidance
- (D) Health services
- (E) Instructional supplies
- (F) Media services
- (G) School Plant
- (H) Staff
- (I) Student activities
- (J) Student personnel

(2) The permanent record of the student, including social security number as permitted by law, shall be current and filed in the superintendent's or principal's office. Standardized test results, student's school activities, attendance and citizenship dates shall be included as a part of the permanent records. Proper safeguards shall be taken with these records to protect the confidentiality of individuals and the human rights of all students. Health and immunization records should be kept separately.

(3) One person in each school shall be responsible for all personally identifiable information to assure that no unauthorized person will be able to obtain the information without written parental permission.

(4) Students shall be officially enrolled upon receipt of their immunization records as required by law and transcripts or grade cards. Information pertaining to grades, graduation tests, college admission test, rank in class of graduating seniors, and other pertinent information required under 70 O.S. § 24-114 shall be recorded on the transcript. A student's transcript shall be maintained by the school district for not less than eighty (80) years following the graduation, transfer, or withdrawal of the student from the district. Because of the likelihood of changes to electronic data storage systems and practices during the timeframe that transcripts must be maintained, districts that store student records electronically are encouraged to make any necessary format conversions of student transcript records each time the district makes a significant change to its electronic data storage system, so that transcripts will be retrievable if the original storage format becomes obsolete.

- (5) Principals shall furnish transcripts and immunization records of students within three business days when requested to do so by school officials.
- (6) School administrators shall be familiar with and assure compliance with state attendance laws.
- (7) Attendance records shall be completed and made available for auditing at the close of the school year. The principal or a competent person under his or her supervision shall record the attendance daily.
- (A) Pupils absent from school in which they are regularly enrolled may be considered as being in attendance if the reason for such absence is to participate in scheduled school activities under the direction and supervision of a regular member of the faculty.
- (B) Closing classroom work early for seniors for commencement or other activities is prohibited by the State Board of Education. Any school district which does not require students to attend school for the full term shall be in violation of the State Board of Education policy and shall be cited for the violation on the final accreditation report as presented for approval by the State Board of Education for the upcoming school year.
- (C) Classroom activities and instruction shall continue until the end of the school term. Students given excused absences during examination periods, for sickness or any other reason, shall not be counted as being in attendance.
- (8) Attendance records and teachers' grade books shall be filed with the district superintendent or his/her designee at the close of the school year.
- (9) Permanent records of staff and students shall be retained in the school.
- (10) Except for transcript records as defined in 70 O.S. § 24-114, school districts shall dispose of information in a student record at a time established by district policy that is between five (5) and seven (7) years after the student has graduated, transferred, or withdrawn from the district. Prior to the destruction of student records under this provision, school districts shall provide notification to the student or, if the student is under eighteen (18), to the student's parent or guardian, that the student's non-transcript records are scheduled to be destroyed. Notifications may be sent to the student or parent/guardian's last known mailing address and/or email address. Such notification must include an option for the student/parent to request the physical records, if in hard copy format, or a copy of the records if they are stored electronically. Students/parents shall be allowed at least thirty (30) days following notification to request the records before the records may be destroyed by the school district. If a district's policy includes the option for students/parents to request the student records scheduled for destruction by postal mail, the district may require the student/parent to pay the necessary postage, provided that no fee shall be charged if the student/parent retrieves the records in person. A school district shall be deemed to have fulfilled the requirement to notify a student/parent prior to the destruction of student records if notification is directed to the last known contact information available to the district.
- (101) Any person who has completed at least thirty (30) hours of college credit at an accredited college or university in Oklahoma may be awarded a high school diploma by the State Department of Education, upon written request and verification of supporting documentation.

(A) A person wishing to apply for a diploma under these provisions must submit a written request to the State Department of Education. This request must be submitted with an official copy of the diploma applicant's transcript from an Oklahoma college or university showing at least thirty (30) credit hours earned.

(B) An official copy of the applicant's transcript may be submitted in either hard copy or electronic form. Acceptance of an official transcript in electronic form may require direct submission to the State Department of Education by the diploma applicant's college or university.

(C) Any person who has previously been an Oklahoma student and has earned at least thirty (30) hours of college credit at an accredited college or university may apply for a diploma under this section, regardless of whether the credits were earned at an institution located in Oklahoma. A former Oklahoma student applying for a diploma after earning credits from an accredited college or university outside Oklahoma must submit an official transcript showing credits earned, as well as documentation showing that the applicant was previously an Oklahoma student.

RULE IMPACT STATEMENT

210:35-3-47. School reports and records [AMENDED]

- a. **What is the purpose of the proposed rule change?**
House Bill 2784 (2016) amended the statute governing the storage of student records. The rule addressing student records must be updated to reflect the statutory changes, which include an authorization for school districts to store records electronically, and a requirement to maintain student transcripts for eighty (80) years. The amendments to the law require districts to develop policies for the destruction of non-transcript student records five to seven (5-7) years after a student graduates or withdraws from the district, and the rule update also addresses HB 2784's requirement for districts to notify former students (or the parents/guardians of minors) when non-transcript records are scheduled for destruction.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect school districts and their students.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts and their students, as well as former students.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety,**

and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.

The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** October 30, 2016

STATUTORY AUTHORITY FOR 210:35-3-47

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article XXIV - Miscellaneous Provisions

Section 24-114 - Pupil Records - Storing of Pupil Records - Time Requirement and Exception

A. The board of education of each school district in Oklahoma shall compile and maintain both temporary and permanent records of students enrolled in the district and regulate access, disclosure or communication of information contained in the student records in a manner consistent with state and federal law.

B. School districts may store all documents and information in student records either electronically or in paper format. Records shall be stored, backed up and secured in accordance with standards and protocol developed by the State Board of Education.

C. The transcript of a student shall be maintained by the school district for not less than eighty (80) years following the graduation, transfer or withdrawal from the district of the student. For purposes of this subsection, "transcript" means the permanent academic record of a student and shall include the name, address, telephone listing and date and place of birth of the student, an inventory of courses taken, all grades received, grade-point averages or class rank, all academic and extracurricular honors and awards received, all degrees conferred and extracurricular or after-school activities.

D. Except for the transcript records as defined in subsection C of this section, school districts shall dispose of information in a student record at a time selected by the district that is between five (5) years and seven (7) years after the student has graduated, transferred or withdrawn from the district. The State Board of Education shall promulgate rules regarding notification to parents or guardians of a student or the student if he or she is eighteen (18) years of age or older of destruction of the records.

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND CAREER AND
TECHNOLOGY SCHOOLS
SUBCHAPTER 9. ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS
PART 7. STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT
AND CLIMATE

210:35-9-31. Program of studies and graduation requirements

- (a) **General provisions.** Every student at every high school shall have the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of the Oklahoma State System of Higher Education without the necessity of enrolling at the university in secondary-level courses. Each student will have the opportunity to attain proficiency in the ~~Priority Academic Student Skills~~ Oklahoma Academic Standards.
- (b) **Definitions.** The following definitions shall apply to this subsection:
- (1) **"Contextual methodology"** means academic content and skills taught by utilizing real-world problems and projects in a way that helps students understand the application of that knowledge.
 - (2) **"Courses approved for college admission requirements"** means courses which are approved by the Oklahoma State Regents for Higher Education for admission to an institution within the Oklahoma State System of Higher Education.
 - (3) **"Qualified agricultural courses"** means courses that have been determined by the State Board of Education to offer the sets of competencies set forth in the Oklahoma Academic Standards for one or more science content areas and which correspond to academic science courses and are taught by teacher who is certified and considered "highly qualified" to teach in the science course taught. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science.
 - (4) **"Rigor"** means a level of difficulty that is appropriate for the grade level and that meets state and/or national standards;
 - (5) **"Sets of competencies"** means instruction in those skills and competencies that are specified skills and competencies adopted by the State Board of Education without regard to specified instructional time;
 - (6) **"Unit"** means a Carnegie Unit which is given for the successful completion of a course that meets the equivalent of 120 clock hours within the school year.
- (c) **Total minimum graduation requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete twenty-three (23) units or sets of competencies in grades nine (9) through twelve (12), which shall include either:
- (1) Seventeen (17) units or sets of competencies of the college preparatory/work ready curriculum requirements set forth in (d) of this Section, plus six (6) elective units or sets of competencies; or
 - (2) Fifteen (15) units or sets of competencies of the core curriculum requirements set forth in (e) of this Section, plus eight (8) elective units or sets of competencies.

(d) **College preparatory/work ready curriculum requirements.** In order to graduate with a standard diploma from a public high school accredited by the State Board of Education, students shall complete the following college preparatory/work ready curriculum units or sets of competencies at the secondary level:

- (1) Four (4) units or sets of competencies of English to include:
 - (A) Grammar;
 - (B) Composition;
 - (C) Literature; or
 - (D) Any English course approved for college admission requirements;
- (2) Three (3) units or sets of competencies of mathematics, limited to:
 - (A) Algebra I;
 - (B) Algebra II;
 - (C) Geometry;
 - (D) Trigonometry;
 - (E) Math Analysis;
 - (F) Calculus;
 - (G) Advanced Placement Statistics; or
 - (H) Any mathematics course with content and/or rigor above Algebra I and approved for college admission requirements;
- (3) Three (3) units or sets of competencies of laboratory science, limited to:
 - (A) Biology;
 - (B) Chemistry;
 - (C) Physics; or
 - (D) Any laboratory science course with content and/or rigor equal to or above Biology and approved for college admission requirements;
- (4) Three (3) units or sets of competencies of history and citizenship skills, including:
 - (A) One (1) unit of American History;
 - (B) One-half (1/2) unit of Oklahoma History;
 - (C) One-half (1/2) unit of United State Government; and
 - (D) One (1) unit of a course that has been approved for college admission requirements in one of the following subjects:
 - (i) History;
 - (ii) Government;
 - (iii) Geography;
 - (iv) Economics;
 - (v) Civics; or
 - (vi) Non-Western culture;
- (5) Two (2) units or sets of competencies in one (1) of the following:
 - (A) Two (2) units of the same foreign, Native American, or non-English language; or
 - (B) Two (2) units of computer technology approved for college admission requirements, whether taught at a high school or a technology center school, including:
 - (i) Computer programming;
 - (ii) Computer hardware;

- (iii) Business computer applications (excluding keyboarding or typing courses) such as:
 - (I) Word processing;
 - (II) Databases;
 - (III) Spreadsheets;
 - (IV) Graphics;
 - (6) One (1) additional unit or set of competencies selected from:
 - (A) The categories of units or sets of competencies set forth in (1) through (5) of this subsection; or
 - (B) Career and technology courses approved for college admission requirements;
 - (7) One (1) unit or set of competencies of
 - (A) Fine arts such as music, art, or drama; or
 - (B) Speech.
- (e) **Core curriculum requirements in lieu of college/work ready curriculum requirements.** Upon written approval of the parent or legal guardian of a student, a student may enroll in the core curriculum requirements in lieu of the college/work ready curriculum requirements set forth in (d) of this Section. The fifteen (15) units of credit required for high school graduation with a standard diploma in accordance with the provisions of this subsection are:
 - (A) Language Arts: Four (4) units or sets of competencies, to consist of:
 - (i) One (1) unit or set of competencies of grammar and composition; and
 - (ii) Three (3) units or sets of competencies which may include, but are not limited to, the following courses:
 - (I) American Literature;
 - (II) English Literature;
 - (III) World Literature; or
 - (IV) Advanced English Courses or
 - (V) Any other English courses with content and/or rigor equal to or above grammar and composition;
 - (B) Mathematics: Three (3) units or sets of competencies, to consist of:
 - (i) One (1) unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology; and
 - (ii) Two (2) units or sets of competencies which may include, but are not limited to, the following courses:
 - (I) Algebra II;
 - (II) Geometry or Geometry taught in a contextual methodology;
 - (III) Trigonometry;
 - (IV) Math Analysis or Precalculus;
 - (V) Calculus;
 - (VI) Statistics and/or Probability;
 - (VII) Computer Science, if taught by a teacher who is certified to teach mathematics;
 - (VIII) Other contextual mathematics courses which enhance technology preparation taught at a comprehensive high school;

- (IX) Other contextual mathematics courses which enhance technology preparation taught at a technology center school by a teacher certified in the secondary subject area, when taken in the eleventh (11th) or twelfth (12th) grade, and approved by the State Board of Education and the independent district board of education; or
 - (X) Any other mathematics courses with content and/or rigor equal to or above Algebra I.
- (C) Science: Three (3) units or sets of competencies, to consist of;
- (i) One (1) unit or set of competencies of Biology I or Biology I taught in a contextual methodology; and
 - (ii) Two (2) units or sets of competencies in the areas of life, physical, or earth science or technology which may include, but are not limited to, the following courses:
 - (I) Chemistry I;
 - (II) Physics;
 - (III) Biology II;
 - (IV) Chemistry II;
 - (V) Physical Science;
 - (VI) Earth Science;
 - (VII) Botany;
 - (VIII) Zoology;
 - (IX) Physiology;
 - (X) Astronomy;
 - (XI) Applied Biology/Chemistry;
 - (XII) Applied Physics;
 - (XIII) Principles of Technology,;
 - (XIV) Qualified agricultural education courses; or
 - (XV) Other contextual science courses which enhance technology preparation taught at a comprehensive high school;
 - (XVI) Other contextual science courses which enhance technology preparation taught at a technology center school when taken in the eleventh (11th) or twelfth (12th) grade, taught by a certified teacher, and approved by the State Board of Education and the independent district board of education;
 - (XV) Other science courses with content and/or rigor equal to or above Biology I.
- (D) Social Studies: Three (3) units or sets of competencies, to consist of:
- (i) One (1) unit or set of competencies of United States History;
 - (ii) One-half (1/2) to one (1) unit or set of competencies of United States Government;
 - (iii) One-half (1/2) unit or set of competencies of Oklahoma History; and
 - (iv) One-half (1/2) to one (1) unit or set of competencies which may include, but are not limited to, the following courses:
 - (I) World History;
 - (II) Geography;
 - (III) Economics;
 - (IV) Anthropology; or

- (V) Other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and
- (E) Arts: Two (2) units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.
- (f) **Other curriculum requirements.** In addition to the curriculum requirements set forth in (c) through (e) of this subsection, each secondary school shall ensure that the following curriculum requirements are met:
 - (1) **Personal Financial Literacy Passport.** Beginning with the seventh grade, students shall fulfill the requirements for a Personal Financial Literacy Passport in order to graduate with a standard diploma from a public high school accredited by the State Board of Education.
 - (A) The requirements for a Personal Financial Literacy Passport shall be the satisfactory completion and demonstration of satisfactory knowledge in all fourteen (14) areas of instruction during grades seven (7) through twelve (12). The fourteen (14) areas of instruction are:
 - (i) Understanding interest, credit card debt, and online commerce;
 - (ii) Rights and responsibilities of renting or buying a home;
 - (iii) Savings and investing;
 - (iv) Planning for retirement;
 - (v) Bankruptcy;
 - (vi) Banking and financial services;
 - (vii) Balancing a checkbook;
 - (viii) Understanding loans and borrowing money, including predatory lending and payday loans;
 - (ix) Understanding insurance;
 - (x) Identity fraud and theft;
 - (xi) Charitable giving;
 - (xii) Understanding the financial impact and consequences of gambling;
 - (xiii) Earning an income; and
 - (xiv) Understanding state and federal taxes.
 - (B) Instruction in these fourteen areas must align and meet the Personal Financial Literacy academic standards as adopted by the Oklahoma State Board of Education.
 - (C) School districts shall have the option of determining when each of the fourteen (14) areas of instruction listed above shall be presented to students in grades seven (7) through twelve (12). Options include:
 - (i) Integration into one or more existing courses of study;
 - (ii) A separate Personal Financial Literacy course; and/or
 - (iii) Use of State Department of Education Personal Financial Literacy online modules of learning.
 - (D) The Oklahoma State Department of Education online modules of learning and the assessments shall be available to all students as determined by the local school district.
 - (E) In order to facilitate the monitoring of student progress towards achieving the Personal Financial Literacy Passport, districts shall maintain a Personal Financial Literacy Passport cumulative record. The Personal Financial Literacy

- Passport cumulative record shall be a uniform document used by all school districts within the state. The State Department of Education shall provide an electronic version of the Personal Financial Literacy Passport cumulative record to the districts. Completion of the fourteen (14) areas of instruction of Personal Financial Literacy shall be documented on the student's high school transcript. The Personal Financial Literacy Passport cumulative record shall accompany the student when transferring to a new district.
- (F) Elementary districts, PK-8, may enter into a vertical articulated curriculum agreement with an independent district, PK-12, for facilitating and sharing of the personal financial literacy curriculum and instruction.
- (G) Teachers providing instruction in personal financial literacy shall be certified in accordance with the provisions of the Passport to Financial Literacy Act at 70 O.S. § 11-103.6h.
- (H) School districts shall assess the knowledge of all students who transfer into an Oklahoma school district from out of state after the seventh grade.
- (i) If the school district determines that the transferred student has successfully completed instruction in any or all of the areas of personal financial literacy instruction at the previous school in which the student was enrolled, or if the student demonstrates satisfactory knowledge of any or all of the areas of personal financial literacy instruction through an assessment approved by the State Department of Education, the school district may exempt the student from completing instruction in that area of personal financial literacy instruction.
 - (ii) Students who transfer into an Oklahoma school district from out of state after the junior year of high school may be granted an exception from the requirements of the personal financial literacy passport in accordance with the provisions of 70 O.S. 11-103.6.
- (2) **Recommended curriculum.** School districts shall strongly encourage students to complete two units or sets of competencies of foreign languages and two units or sets of competencies of physical and health education.
- (3) **Credit toward graduation requirements.** Credits for meeting curriculum requirements toward graduation shall be determined in accordance with all of the following provisions:
- (A) No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements.
 - (B) Credit for all units or sets of competencies required in (d) and (e) of this Section shall be given when such units or sets of competencies are taken prior to ninth (9th) grade if:
 - (i) The teachers are certified or authorized to teach the subjects for high school credit; and
 - (ii) The required rigor of the course is maintained.
 - (C) Notwithstanding the provisions of (3)(B) of this subsection, the three units or sets of competencies in mathematics required in (d) or (e) of this Section shall be completed in the ninth (9th) through twelfth (12th) grades. If a student completes any required courses or sets of competencies in mathematics prior to

ninth grade, the student may take any other mathematics courses or sets of competencies to fulfill the requirement to complete three (3) units or sets of competencies in grades nine (9) through twelve (12) after the student has satisfied the requirements of subsection (d) or (e) of this Section.

~~(D) Successful completion of an alternative assessment set forth in 210:10-13-16(b)(7)-(8) shall not constitute a basis for awarding a student credit for any course in which a student has failed the end-of-instruction exam and failed to attend in accordance with local district attendance policies.~~

~~(4) **Achieving Classroom Excellence Act.** The curriculum requirements for graduation set forth in (c) through (f) of this Section and 70 O.S. § 11-103.6 are in addition to and separate from the requirements of the Achieving Classroom Excellence Act set forth at 70 O.S. § 1210.523 and the accompanying regulation at 210:10-13-16. Students must fulfill the applicable requirements (or, in some cases, qualify for applicable exceptions or exemptions) of both statutes to be eligible to be awarded a standard diploma.~~

(g) **Additional accreditation requirements.** In addition to the curriculum requirements set forth in (c) through (f) of this Section, all public school districts shall ensure that its schools' secondary programs are designed to meet all of the following requirements:

(1) As a condition of receiving accreditation from the State Board of Education, all school districts shall require all students in grades nine (9) through twelve (12) to enroll in a minimum of six periods, or the equivalent in block scheduling or other scheduling structure that allows for instruction in sets of competencies, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes. However, students re-enrolled in high school solely for the purpose of ~~receiving ACE remediation in accordance with the provisions of 210:10-13-16(g) completing curricular requirements as authorized by 70 O.S. § 11-103.6(Q)~~ shall be exempt from this requirement.

(2) Each high school's academic program shall be designed to prepare all students for employment and/or postsecondary education. The secondary academic program shall be designed to provide the teaching and learning of the skills and knowledge in the ~~Priority Academic Student Skills~~ Oklahoma Academic Standards. All high schools accredited by the State Department of Education shall offer the college preparatory/work ready curriculum required for the students to earn a standard diploma during grades nine (9) through twelve (12). To meet graduation requirements, local options may include courses taken by advanced placement, concurrent enrollment, correspondence courses, supplemental online courses, or courses bearing different titles.

(3) The secondary academic programs may also provide the traditional units of credit to be offered in grades nine (9) through twelve (12) with each secondary school offering and teaching at least thirty-eight (38) units or their equivalent each school year. Four (4) of these units may be offered on a two-year alternating plan with thirty-four (34) units or their equivalent to be taught in the current school year. In schools with other than a four-year organization, these units shall be offered and taught in conjunction with the affiliated schools containing those grade levels. Career and

technology center courses in which secondary students are enrolled may count toward the thirty-eight (38) required units of credit or their equivalent.

(4) District boards of education can make exceptions to state high school graduation curriculum requirements for students who move to this state from another state after their junior year of high school.

(A) After a student from another state enrolls in an accredited Oklahoma high school the school board can make an exception to the high school graduation curriculum requirements of 70 O.S. §11-103.63. Individual exceptions can only be made when there are differing graduation requirements between the two states and completing Oklahoma graduation requirements will extend the student's date of graduation beyond the graduation date for the student's class.

(B) The district must report all exceptions made to state graduation requirements for these senior students to the State Department of Education each school year. All exceptions made at each district high school will be forwarded to the State Department of Education on or before July 1 of each year. Districts may report the information on the Annual Statistical Report. This reporting provision does not include students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy graduation requirements through the individualized education program.

(5) District boards of education shall waive the Oklahoma History graduation requirement for children of military families who transition with the military from another state and who have satisfactorily completed a similar state history class in another state. "Children of military families", as defined in 70 O.S. § 510.1, means "a school-aged child(ren), enrolled in Kindergarten through Twelfth grade, in the household of an active duty member".

(6) In order for a course offered by a supplemental educational organization to be counted for purposes of student academic credit and towards graduation requirements, the local board of education must verify that the course meets all requirements in 70 O.S. § 11-103.6.) Upon verification, the local school board of education's request for course approval shall be submitted to the State Board of Education for final approval.

RULE IMPACT STATEMENT

210:35-9-31. Program of studies and graduation requirements [AMENDED]

- a. **What is the purpose of the proposed rule change?**
The rule that outlines the graduation requirements for Oklahoma high school students must be updated to remove requirements related to end-of-instruction (EOI) exams and the Achieving Classroom Excellence (ACE) Act, which were repealed by House Bill 3218 (2016).
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect high school students and independent (PreK-12) school districts.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit high school students and independent (PreK-12) school districts.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.
- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** October 30, 2016

STATUTORY AUTHORITY FOR 210:35-9-31

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.521 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.522 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.523 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.525 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.526 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016